

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ICON AMAZING, LLC

Plaintiff,

V.

AMAZING SHIPPING, LTD. and
GEDEN HOLDINGS, LTD.

Defendants.

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Civil Action No. 4:13-cv-01449
Admiralty Rule 9(h)

PROCESS OF MARITIME ATTACHMENT AND GARNISHMENT

TO: THE UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF TEXAS

GREETINGS:

WHEREAS, Plaintiff, ICON Amazing, LLC, filed a Verified Complaint in the United States District Court for the Southern District of Texas on May 20, 2013, with a claim against Defendants, Amazing Shipping, Ltd. and Geden Holdings, Ltd., in the approximate amount of \$4,353,617.44, together with interest, costs of suit and attorney's fees, with a prayer for process to attach and seize in the amount sued for Defendants' goods, chattels, credits and effects, including, but not limited to the M/V AMAZING, accompanied by an Affidavit pursuant to Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure stating that, to the affiant's knowledge, or on information and belief, the Defendants cannot be found within the District, together with a Motion for Issuance of Process of Maritime Attachment and Garnishment, and

WHEREAS the Court reviewed the Verified Complaint and Affidavit and found that the conditions of Rule B appeared to exist, and entered an order so stating and authorizing process of

maritime attachment and garnishment in an amount up to \$4,353,617.44, plus interest, costs of suit and attorney's fees;

NOW THEREFORE, we hereby do empower, strictly charge and command you, the said Marshal, (1) to cite and admonish Defendants, if they be found in your District, to appear before the United States District Court for the Southern District, at the United States Courthouse, 515 Rusk Street, Houston, Texas 77002, within the time prescribed by law, then and there to answer the aforementioned Verified Complaint, and to make its allegations in its behalf; and if the Defendants cannot be found in the Southern District of Texas, (2) to attach and seize in the amount sued for Defendants' goods, chattels, credits and effects, including, but not limited to the M/V AMAZING, a vessel presently within the Southern District of Texas and which will be berthed at the Port of Houston: Oiltanking Houston, LP, 15631 Jacintoport Blvd., Houston, TX 77015 during the pendency of this action, and to garnish any tangible or intangible personal property which belongs to, is the property of, is held in a fiduciary capacity for, or is otherwise claimed by Defendants in the possession, custody or control of the Master of the M/V AMAZING, in an amount up to \$4,353,617.44, plus interest, costs of suit and attorney's fees.

We do further hereby empower, strictly charge and command you, the said Marshal, to instruct Garnishee, the Master of the M/V AMAZING, to maintain custody and possession of the tangible property, including, but not limited to M/V AMAZING, which belongs to, is the property of, is held in a fiduciary capacity for, or is otherwise claimed by Defendants and having served the warrant to make due and prompt return.

We do further hereby empower, strictly charge and command you, the said Marshal, to execute this warrant by:

- (1) Affixing a copy of the process to the M/V AMAZING in a conspicuous place and leaving a copy of the Verified Complaint and process with the person having possession of the vessel or the person's agent; or

- (2) If intangible property is attached, leaving with the Garnishee a copy of the Verified Complaint and process requiring the Garnishee to answer as provided in Rules B(3)(a) and C(6) of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure; or you may accept for payment into the registry of the Court the amount owed to the extent of the amount claimed by Plaintiff with interest and costs.

We do further empower, strictly charge and command you, the said Marshal, to notify the Defendants and Garnishee as follows:

- (1) A foreign attachment and garnishment has been filed pursuant to Rule B of the Supplemental Rules of Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure against Amazing Shipping, Ltd. and Geden Holdings, Ltd., Defendants in this action;
- (2) Garnishee is required to file with the Clerk of the United States District Court for the Southern District of Texas, with copy to the Plaintiff's attorney, Kevin P. Walters, Chaffe McCall, L.L.P., 801 Travis Street, Suite 1910, Houston, Texas 77002, within twenty (20) days from the service of this Writ, a report, under oath, setting forth in detail all debts owing by Garnishee to Defendants; all property of Defendants in the possession, custody or control of Garnishee or to which the Garnishee hold legal title; all property which is held by Garnishee as fiduciary in which the Defendants have an interest; and whether any property attached is immune or exempt from attachment; unless, if intangible property is attached, Garnishee provides to the Marshal for payment into the registry of the Court the amount owed to the extent of the amount claimed by Plaintiffs with interest and costs, in which event Garnishee shall not be required to answer;
- (3) Garnishee is required to promptly forward a copy of this Writ to Defendants;
- (4) Defendants are required to file with the Clerk of the United States District Court for the Southern District of Texas, with copy to the Plaintiff's attorney, Kevin P. Walters, Chaffe McCall, L.L.P., 801 Travis Street, Suite 1910, Houston, Texas 77002, within thirty (30) days of service of this Writ, an answer to Plaintiff's Verified Complaint.
- (5) A hearing of any objections which might be raised by Defendants, or the Garnishee herein, under Rule E(4)(f) of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure shall be scheduled before the United States District Court for the Southern District of Texas at the United States Courthouse, 515 Rusk, Houston, Texas 77002, if one is requested by Defendants.

Witness, the Honorable _____, United States District Judge of
the United States District Court for the Southern District of Texas, this _____ day of May, 2013.

United States District Clerk
for the Southern District of Texas

By: _____
Deputy Clerk